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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,349	10/23/2003	Albert Santelli JR.	Fram Trak-10	8546
28581	7590	08/15/2005	EXAMINER	
DUANE MORRIS LLP			LEE, JINHEE J	
PO BOX 5203			ART UNIT	
PRINCETON, NJ 08543-5203			PAPER NUMBER	
			2831	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/692,349

Applicant(s)

SANTELLI, ALBERT

Examiner

Jinhee J. Lee

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5-7,14-16,20,21 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-13,17-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Approved drawing correction</u> .      |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims drawn to an invention nonelected with traverse in Paper No. 0105. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Objections***

2. The amendment filed 6/13/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In claim 1 line 5, "a shield buried within".

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "shield buried within the at least one walls of the channel

member and the cover” is not disclosed. The original specification page 9 paragraph [0034] only states that the shield is “disposed respectively within”.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirma (US005126507A).

Re claim 1, Kirma discloses a wire management system comprising:

a channel member (4, hollow tube) having at least one wall defining an interior space;

a cover (71) having at least one wall, the cover for blocking access to the interior space of the channel member;

a shield (73 metal rail and in 70 metallized plastic) buried within the at least one walls of the channel member and the cover, the shield for reflecting electromagnetic radiation (see figures 1 and 8, column 4 line 18 and abstract).

Re claim 2, Kirma discloses a wire management system, wherein the at least one walls of the channel member and cover are formed from a plastic material (see column 4 lines 18-19).

Re claims 3 and 4, Kirma discloses a wire management system, wherein the shield is formed from a metallic material (see column 4 lines 18-20).

Re claim 8, Kirma discloses a wire management system, wherein the cover comprises detachable cover (see column 3 line 33).

Re claim 9, Kirma discloses a wire management system, further comprising a snap fastening arrangement for retaining the detachable cover to the channel member (see column 3 lines 33-34).

Re claim 10, Kirma discloses a wire management system, wherein the shield includes a first section disposed within the at least one wall of the channel member, and a second section disposed within the at least one wall of the cover (see figure 8 and column 4 lines 18-20).

Re claims 11 and 12, Kirma discloses a wire management system, further comprising means (9, junction element) for fastening the channel member to a support surface (see figure 1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13, 17-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBartolo, Jr. et al. (US006084180A) in view of Kirma.

Re claim 13, DeBartolo, Jr. et al. discloses a wire management system comprising:

an outer raceway (channel 16) comprising:

a first channel member (12 with 20) defining an interior space;  
a first cover (20) for blocking access to the interior space of the first channel member;

at least one inner raceway (channel 18) contained entirely within the outer raceway (see column 3 lines 38 to 39 according to the numbering in the middle), the at least one inner raceway comprising:

a second channel (portion of 12 with 14, 34 and 22 for example) member having at least one wall (14 for example) defining an interior space;

a second cover (22) having at least one wall, the second cover for blocking access to the interior space of the second channel member (see figure 4). DeBartolo, Jr. et al. does not explicitly disclose a shield disposed within the at least one walls of the second channel member and the second cover, the shield for reflecting electromagnetic radiation. However, Kirma teaches of a shield (73, in 70) disposed within the at least one walls of the second channel member and the second cover, the shield for reflecting electromagnetic radiation. (see figures 1 and 8, column 4 line 18 and abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the shield of Kirma on the system of DeBartolo, Jr. et al. in order to provide EMF shielding to the wires).

Re claim 17, note that the device of DeBartolo, Jr. et al. includes wherein the channel members and covers are formed from a plastic material (see figure 7, cross-hatching of the material).

Re claims 18 and 19, note that the device of Kirma teaches of wherein the shield is formed from a metallic material (see column 4 lines 18-20).

Re claim 22, note that the device of DeBartolo, Jr. et al. includes wherein the second cover comprises a detachable cover (see figure 5).

Re claim 23, note that the device of DeBartolo, Jr. et al. includes a snap fastening arrangement for retaining the detachable cover to the channel member (see figure 5).

Re claim 24, note that the shield of Kirma includes a first section (in 70) disposed within the at least one wall of the second channel member, and a second section (73) disposed within the at least one wall of the second cover (see figures 8 and 12).

Re claim 25, note that the device of Kirma teaches of a means (9) for fastening the first channel member to a support surface (see figure 1).

### ***Response to Arguments***

9. Applicant's arguments filed 6/13/05 regarding claim 1 and dependent claims 2-4 and 8-12 have been fully considered but they are not persuasive.

In response to applicant's arguments that the shield is not "buried within the at least one walls of the channel member and the cover", examiner disagrees. Figure 8 shows the metal rail 73, buried within the plastic cover 71. Column 4 lines 20-21 of Kirma states that 73 is "inserted into the covering 71". Furthermore, Merriam-Webster's Collegiate Dictionary, tenth edition, defines the word "bury" as "to dispose of by depositing in". The arrangement of Kirma meets this definition.

10. Applicant's arguments with respect to claims 13, 17-19 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinhee J Lee  
Patent Examiner  
Art Unit 2831

A handwritten signature in black ink, appearing to read 'Jinhee J Lee', is written over the printed name and title.

jjl



10/892349

# Proposed Drawing Correction

OKay to  
Accept  
8/1/05

